

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

December 13, 2001

Mr. Randy Bates  
Division of Governmental Coordination  
By Fax: 907-465-3075

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Dear Mr. Bates:

I have reviewed the proposed 6 AAC Chapter 50 Regulations Revisions for consistency with the Sitka District Coastal Management Program. These proposed revisions have presented a huge challenge to the Coastal Management staff person at the City and Borough of Sitka, since even after studying the proposals repeatedly, I fail to understand the intent of many of these proposals, and the language appears to be bureaucratic and, frankly, it is difficult to understand the true ramifications of these proposed changes.

Due to the Department of Natural Resources visit, teleconference, and informational meeting on aquaculture projects this week, I was unable to do a thorough job of researching and developing my comment. We have had very little time after the teleconferences which helped explain the sections of the revisions and implications to our coastal programs to develop a response in addition to our normal jobs. Therefore, I will raise the following issues but fear there may be others which I don't fully understand the impacts of to the Sitka Coastal District. I do want to thank both you and John Gliva of DCED for sponsoring your enormously helpful teleconference series and providing a detailed analysis of areas which may concern Coastal Districts. It was the first time I really grasped the significance of the proposed changes.

First, it is imperative that the affected Coastal District have an active role in determining the scope of the project under the 6 AAC 50.025 proposal if there are concerns that the scope has not been broadly enough identified. Neither DGC nor the resource agencies have the first-hand knowledge of the project location to determine if all applicable affected areas of the coastal zone are included in the scope of the project. For the agencies to make this decision in a vacuum without permitting the Coastal District to have input if there are areas that the District believes should be included could preclude the Coastal District from ensuring that applicable enforceable policies can be utilized in the review. It is imperative the Local District should have a seat at the table in at least making recommendations on the scope of a project within its coastal boundaries.

Second, the whole concept of "alternative measures" rather than using the appropriate terminology to describe a condition or stipulation is completely ambiguous and in fact meaningless to me. I fail to understand why if a condition or stipulation on a permit is what is implied, then THAT is the terminology that should be used, rather than "alternative measure" that could mean almost anything. I object to vague, ill-defined statements complicating our reviews with no good rationale for the change in wording. An even bigger concern is with the new section in 6 AAC 50.055, which adds a subsection (d) which requires municipal districts to participate in the implementing of "alternative measures" resulting from a consistency review. I object strenuously to this new unfunded mandate, which has the potential to literally force the Sitka Coastal District to remove itself from the Coastal

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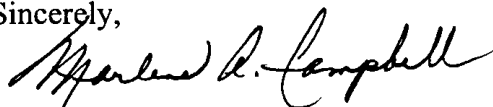
Management Program rather than face the legal challenges and manpower requirements to modify our program and our own Title 29 authorities to meet the new requirements. Our Revised Coastal Program was developed expressly so that the responsible local, state, and federal agencies would implement their own areas of expertise. Sitka does not have the staff nor desire to take over implementation responsibilities for those agencies which are empowered in our Enforceable Policies to use them as extensions of their own authorities, which is how the revision was written in 1987 and 1988. The explanatory material on this proposed regulation indicates "If an alternative measure is included in a consistency determination for the purpose of making a project comply with a municipal district program, municipal district will have to include such alternative measures in local permits. Monitoring and enforcement of such alternate measures may be a municipal responsibility."

The City and Borough of Sitka would have to re-evaluate both our Coastal Program policies and our participation in the entire program if this section is adopted. I fail to understand where this proposal came from, as it would be so onerous to smaller coastal districts with limited local capabilities to implement the plan, and it is so "heavy handed". Requiring the districts to participate in the implementation of alternative measures (please do not use this term) is a major burden for some districts, regardless of whether or not it benefits others. All Coastal Districts are different and should not be forced into one single bureaucratic process some Districts could not implement. Please reconsider this proposal and if it must be adopted, make it optional, not mandatory.

There may be other sections of these proposed changes which could also be problematic to Coastal Districts, but there is no more time available to discuss them. I would suggest that this whole regulations revision be deferred to a committee which includes strong representation from Coastal Districts to determine if the proposed changes have merit AT THE LOCAL LEVEL. The regulations have worked reasonably well over the years. If they are to be modified in more than a "housekeeping update", please at the very least give an extension of the comment deadline and help the Coastal Districts better understand what is being proposed which will impact the Coastal District "on the grounds". I know several Districts have not had time to even review these regs. in a meaningful way. I recommend no action be taken on any proposed changes until the implications of these changes at the local Coastal District level are clear.

Thank you for the opportunity to comment.

Sincerely,



Marlene A. Campbell, Coastal Management Coordinator  
Government Relations Director

cc: A.E. Zimmer, Administrator